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COLONIAL TARIFFS.

IN all the discussion to which the tariff question has given rise since 1789, little attention has been paid to colonial legislation on the same subject. Two facts may explain this omission: in the first place, there are no complete records to show what the early legislation really was, and the contemporary historians make little mention of the duties collected; and, secondly, the duties of the several colonies were almost exclusively for revenue, were much alike, were raised and lowered as the needs of the colonial treasury required, and seem to have been little different from other tax acts.

At any rate, the field is almost unexplored; and the facts here to be presented are such as have been gathered directly from the colonial laws and records. Unfortunately, as the collections of laws for some of the colonies are incomplete, this work can only be fragmentary. For Virginia, Massachusetts, and South Carolina, the colonial laws have been reasonably well kept, and the tariff history may be traced with some accuracy. The other colonies have poorer collections; and many acts are given only by title, so that it is much more difficult to follow the tariff legislation.* But there is enough

*Hening's *Statutes of Virginia*, Cooper's *Statutes of South Carolina*, the *Records of Massachusetts*, together with the *Acts and Resolves*, give, practically, all the legislation for those three colonies. The *Laws of New York*, 1691 to 1773, *Laws of Pennsylvania*, 1700 to 1802, Bacon's *Laws of Maryland*, 1637 to 1765, *Acts of the General Assembly of New Jersey*, 1702 to 1776, *Laws of the State of Delaware*, 1700 to 1797, *Laws of the State of North Carolina*, 1715 to 1790, enable one to trace the legislation of those colonies, though many of the earlier acts are given only by title. The Pennsylvania Laws refer to the Archives for those not printed. The text of many of the laws omitted in the compiled statutes may be found in early editions of the colonial laws, but these are far from complete.

For the other colonies the laws have not been gathered into any work covering the entire period. When the statutes were printed, all but those in actual force were usually omitted, and the older ones which were inserted often had no date, so that it is impossible to form a complete outline of the legislation in Rhode Island, Connecticut, or New Hampshire.

The *Journals of the New York Assembly* and the *Journals of the Votes and Proceedings of Pennsylvania* give some laws, not all, some discussion, and a few petitions; and for the later colonial period they give the treasurer's reports. The *Massachusetts Archives*, 122 to 125, contain the Treasurer's reports from 1692 to 1695, but there are numerous breaks. The New York Treasurer's and Collector's books are preserved, but I have not yet been able to examine them. How many of the financial records of the other colonies are preserved I do not know. None of them have yet been printed.

material to show that almost every colony levied imposts, a few of which developed into what may fairly be called tariff systems.

In several of the colonies the tariff acts were among the earliest attempts at financial legislation. Indeed, it is possible to go back even further, and find provisions for imposts, customs, or duties in the charters establishing governments in America. The charters of most colonies were quite similar, and permitted much freedom. That of Virginia may be taken as a type of all.* It laid a duty of $2\frac{1}{2}$ per cent. on all goods imported by British subjects and 5 per cent. on all imported by foreigners. Food, clothing, arms, implements, and other necessities might be sent from Britain to Virginia free for seven years. The proceeds from the duties were to be applied to the support of the colony for twenty-one years, and were then to revert to the king. The colony was given the privilege of imposing other duties if it thought best to do so. After the navigation acts were passed, all the charters specially stipulated that the colonists must obey the acts and pay the ordinary duties due from English subjects. In the charters of Carolina,† Pennsylvania,‡ and the other proprietary provinces, the proprietors were given authority to collect imposts and subsidies for their own use; but they were to be "reasonably assessed by and with the consent of the free colonists."

Of the duties imposed by charter or by acts of Parliament this article will not treat. They have been described by many historians, who agree that as revenue measures they were failures.§

The discussion here will be confined to the imposts which were assessed by and with the consent of the free colonists. The principles of taxation which governed them are, perhaps,

* Hening's *Virginia Statutes*, i, 63.

† Cooper's *Statutes of South Carolina*, i, 27.

‡ *Votes of Pennsylvania*, i, 22.

§ Many pamphlet writers and most historians refer to the smuggling and evasion of duties. Greenville, in a tract printed in 1765, *The Regulations lately made with respect to the Colonists Considered*, says (p. 57), "The North American colonies do not contribute to the national expenses by taxes raised there more than £700 or £800 per annum." "The average for all the colonies for thirty years is not above £1,900, while it costs £7,600 per annum to collect them." Also see Bancroft, ii, 83 and 243. Lecky, *History of England in the Eighteenth Century*, iii, 308. (Edition of 1882 in both cases.)

of more interest to us than are those which determined the action of British Parliaments, and have certainly been much less discussed. Unfortunately, the "principles of taxation" which influenced the colonial legislators can be learned only from the laws which they passed. No reports of their debates, no contemporaneous newspaper discussion or leading articles, throw light upon the text. To know what was done is much: knowing "what," we can frequently infer "why." In a few instances our conjectures are aided by preambles to acts, or by petitions asking for protection or for freedom from duties. But there is so little side light to be obtained that in this article only a plain statement of the facts will be attempted, leaving the determination of principles to future work and a more mature study of the systems of taxation and the general financial condition of the colonies.

The bounties given and monopolies granted to aid or stimulate various industries in the colonies have a close and important bearing on the protective features of the colonial tariffs, and are of more interest to the protectionist than are the revenue tariffs which will be here discussed; but they, too, must wait their time for full treatment.

The temporary or experimental measures and the few instances of protective and retaliatory legislation which are to be found can hardly be woven into any connected narrative, but are of sufficient interest to deserve notice. For this reason I shall sketch briefly the more important acts of this class before beginning with the regular tariffs.

The first tariff of Massachusetts deserves a place at the head of the list, both because of its priority in time and its purpose, which was "to prevent the immoderate expense of provisions brought from beyond the sea." This was to be done by a tax, but not according to the modern theory of cheapening goods by tariff taxation. The plan was to discourage importation, and to keep down expenses by diminishing consumption. To do this, it was ordered "that whosoever shall buy or receive out of any ship any fruit, spice, sugar, wine, strong water, or tobacco, shall pay to the treasurer one-sixth part of the price or value thereof; and every person who shall buy or receive any of the said commodities with intent

to retail the same to others shall pay to the treasurer one-third part of the value or price thereof."* These duties were partly repealed the next year, and entirely abolished in 1638.

Almost thirty years later Virginia passed a similar act for similar reasons, though health and morality, as well as expense, were regarded by the Virginia legislators. Their purpose in passing the act is well expressed by the preamble, which reads: "Whereas the excessive use of rum hath by experience been found to bring disease and death to divers people, and the purchasing thereof is made by the exportation and unfurnishing the country of its own staple commodities," therefore, "it is enacted that whatever vessel, after March 1, 1663, except such as belong wholly to inhabitants of Virginia, brings in any rum or sugar, shall not unload the same except at ports appointed, shall enter the quantity, and pay for every gallon of rum 6*d.* custom, and for every pound of sugar 1*d.*, before any part of it may be sold."† This act suffered the same fate as the first liquor duty of Massachusetts. It was in force only two years when it was repealed, "because the duties were difficult to collect and obstructed the trade of the country." It was twenty years before a regular system of liquor duties was adopted in Virginia, so that it is not probable that this early act had any influence in fixing the rates of the later one.

Turning to the protective acts of the colonies, we find that they are not numerous, but that such as were passed show there was no hesitation in granting protection to any industry or in any way which promised to prove beneficial. There were almost no manufactures to protect, and therefore the duties laid on manufactured goods were for revenue only; but each colony encouraged its own agriculture, sometimes by prohibiting the importation of commodities from other colonies and sometimes by duties.

As early as 1652,‡ "to uphold her own staple commodities," Massachusetts prohibited the importation of malt, wheat, barley, biscuit, beef, meal, and flour. Virginia prohibited the importation of tobacco, especially from North Carolina, on the

* *Records of Massachusetts*, i. 186.

† Hening's *Virginia Statutes*, ii. 128.

‡ *Colonial Laws of Massachusetts*, 1672, 176.

ground that it was of inferior quality.* Several colonies would not allow the importation of horses or cattle, sometimes because they were thought to be of inferior size or breed, but oftener because the home supply was too great.† Maryland maintained discriminating duties against provisions and liquors from Pennsylvania. The regular liquor impost was 3*d.* per gallon, while Pennsylvania liquors were compelled to pay 9*d.*‡ Pennsylvania did not allow the importation of tobacco from Maryland, because this discouraged her own planters.§

The clearest case of retaliatory duties is found in an act of Massachusetts passed in 1649.¶ It was occasioned by a duty which Saybrook had imposed on goods coming from Springfield in order to maintain a fort at the mouth of the Connecticut River. Boston thought this unjust, and tried to get the duty repealed. Failing in this, an impost was levied on all goods from Connecticut, New Haven, and Plymouth. This had the desired effect, and the next year the obnoxious duties were removed.

Virginia also established retaliatory duties, but apologized for imposing them. The act states "that Virginia vessels are compelled to enter and pay fees before trading in Maryland ports. This is unneighborly, but Maryland vessels must do the same here until her laws are repealed."¶¶

If Massachusetts could not loyally support the navigation acts, she could show a willingness to discourage their violation, and at the same time to gain a revenue for herself by imposing double duties, both specific and ad valorem, on all goods which were not imported directly from the place of their growth. By way of protection to her own commerce, she also imposed double rates on all commodities brought in by inhabitants of Rhode Island, Connecticut, and New Hampshire. Still stronger encouragement was given to Massachusetts shipping by an impost of 5*s.* per hogshead on all molasses and 60*s.* per hogshead on all rum imported by foreigners.

* Hening's *Statutes of Virginia*, ii. 445.

† Bacon's *Laws of Maryland*, 1761, Act IX. Hening's *Statutes of Virginia*, iii. 27. Cooper's *Statutes of South Carolina*, ii. 164.

‡ *Maryland Laws* of 1715, 88 and 108.

§ *Duke of York's Laws*, 243.

¶ *Records of Massachusetts*, 182 and 269.

¶¶ Hening, ii. 446.

These rates were laid "because foreigners have been bringing in great quantities of rum and molasses, which takes away trade that our merchants carried with great profit, though they paid high charges for permission." The discriminating duties were on the statute books of Massachusetts from 1730 to 1743. The double duties on goods not imported from the place of their growth were first imposed in 1715, and were continued till 1774.*

In the New York tariff of 1695 the same provision was made for double duties on goods which had been reshipped.† This was repeated in some later acts, but how long it continued I have not ascertained.

During the early colonial period there were export duties on furs, provisions, lumber, staves, shingles, tar, and fish; but these were mostly temporary and for revenue purposes. Connecticut, however, seems to have developed her export tax upon lumber into a system of high duties, designed to prohibit exportation, that in after years she might not be destitute of building materials.‡

Protection of another kind was sought by at least three of the colonies about 1730. Criminals and paupers seem to have been as undesirable then as now. The measures taken to keep them out afford an instance of the influence which legislation in one colony had in shaping that of another. Pennsylvania led the way as early as 1722 with a duty on imported servants. In 1729 the preamble of an act for preventing the importation of convicts and paupers gives the following reasons for its existence: "Whereas many persons trading into this province have, for lucre or private gain, imported, sold, or disposed of, and daily do import passengers and servants into this province who by reason of age, impotence, or idleness, have become a heavy burden and charge upon the inhabitants thereof; and likewise do frequently import divers persons convicted of heinous crimes, who, after their coming into this province, do often commit many felonies, robberies, thefts, and

* The act of 1715 may be found in *Massachusetts Acts and Resolves*, ii. 10, that of 1730 in ii. 559.

† *Acts of the Assembly of New York*, 1691-1718, pp. 204.

‡ *Acts and Laws of Connecticut*, 1784, 245.

burglaries, to the great hurt of his Majesty's good subjects trading to and inhabiting the same." A duty of £5 is then laid on each convict or pauper imported, and the importer is required to give bond to insure the servant's good behavior for one year.* In 1730 New Jersey passed a similar law with exactly the same preamble, and in 1739 Delaware did the same.† These laws roused opposition in England, and were finally disallowed, but not till after the three years in which they could be legally set aside had passed. The Pennsylvania authorities refused to acknowledge the right of the king to annul a law which had stood more than three years. The controversy and correspondence on this question continued till about 1750, and seems to have ended by allowing the colonists their own way; for the law was again enacted in 1751.‡

Space forbids further mention of the disconnected and less important acts of this kind; and we pass, therefore, to the consideration of the imposts, customs, subsidies, or duties which may properly be called tariffs. These may be classified under four heads: I. Tonnage duties, or taxes on shipping; II. Export taxes on tobacco; III. Import duties on slaves; IV. The regular tariff schedules, in which wines and liquors were the most important items.

I. The tonnage duties were more general than any other kind of colonial imposts. In Rhode Island and New Hampshire they seem to have been the only duties; and there were not more than three colonies — Georgia, New Jersey, and Delaware — which did not lay a tax on shipping. The powder duties, as the impost on shipping was first called, are also the earliest of any duties imposed by a colonial assembly; and they were continued by most of the colonies until the Constitution transferred to Congress the power of levying imposts. 1631 § is the date of the first powder duty and Virginia the colony which imposed it. The text of the act is not complete in Hening's collection, the amount of powder to be paid being left blank. But the act of 1632 provided that every ship should

*The Pennsylvania acts are found in *Laws of Pennsylvania*, printed in 1742, pp. 359, 392, 532.

† *Acts of Assembly of New Jersey*, pp. 84. *Delaware Laws*, pp. 166.

‡ *Pennsylvania Colonial Records*, v. 66, 499, 550.

§ Hening, i. 176.

pay one hundred pounds of powder and ten iron shot for every one hundred tons burden.* These are about the average rates imposed in all the colonies. In some the rate was only one-half pound of powder, while in others it was two or three pounds per ton. After money became more plentiful, the powder duties were commuted into cash payments ranging from sixpence to one or two shillings per ton, according to the amount of depreciation in the provincial currency.

The earliest dates at which I have been able to find powder duties for the several colonies are, Massachusetts, † 1645; Maryland, ‡ 1661; Pennsylvania, § 1683; South Carolina, || 1686; New York, ¶ 1709. For the other colonies the records at hand do not enable me to determine when the first duties were laid.

The tonnage dues of Virginia and Maryland were made perpetual, and, with the export tax on tobacco, furnished a permanent source of revenue, rendering the governor independent of the Assembly and the people. In 1692 the Maryland Assembly revoked the tonnage tax which had been granted to Lord Baltimore, and gave as their reason for so doing the failure of the proprietor to keep the colony in a state of defence, as he had agreed to do.**

The king, however, decided that the grant was irrevocable, and that Lord Baltimore should continue to collect his 14*l.* per ton, which in 1754 amounted to \$5,000. ††

The preamble to the act laying the first powder duty in South Carolina is worth inserting, because it shows clearly what the powder was wanted for, and that the need of it was urgent. It reads :—

Whereas the subjects of the King of Spain have, several times lately, in the most barbarous, inhuman, and hostile manner, invaded his Majesty's subjects, inhabitants of that part of this province south-west of

* Hening, i. 192.

† *Massachusetts Records*, ii. 107.

‡ Bacon's *Laws of Maryland*, 1661, Act VIII.

§ *Votes of Pennsylvania*, i. 165.

|| *Statutes of South Carolina*, ii. 20.

¶ *Acts of Assembly of New York*, 1691-1718, 97.

** *Maryland Archives*, viii. 361, Bacon's *Laws of Maryland*, 1692, Act XVII.

†† Bancroft, ii. 396 (Edition of 1882).

Cape Fear, burning our houses, killing our stock, and destroying our provisions, murdering and making prisoners several of his Majesty's good subjects, there peaceably settled under this government; and whereas it is thought absolutely necessary, in order for the future safety and defence of his Majesty's subjects and of all ships and vessels trading to and from this province, that there be a public store of powder always in readiness, therefore, from the date of the publication of this act, every ship-master coming into any part of this government shall make a true entry of the burden and tonnage of his ship, and pay for every ton one-half pound of good, clear, and serviceable powder.*

South Carolina continued or reimposed this duty from time to time, and did not cease to collect it even without a law, as is shown by one or two indemnity acts clearing the powder receiver for collecting the tax after the law authorizing him to do so had expired.† None of the other colonies gave their reasons for imposing powder duties quite so clearly as did South Carolina, but several of them stated that the powder was wanted for harbor defence or kindred purposes. In some of the colonies, notably Massachusetts and New York, the tonnage tax was incorporated in the general duty acts, and affords no special points of interest.

All the tonnage duties were clearly for revenue, but they were so framed that the colonial shipping interest secured a good degree of protection. In fact, I believe there was no colony which did not exempt at least its own shipping from tonnage dues. The northern colonies all had reciprocity arrangements, by virtue of which the vessels of each entered the ports of the others free. The law of Massachusetts every year stated that English ships, and those of Pennsylvania, the Jerseys, New York, Connecticut, and Rhode Island, should enter free. Some of the other colonies made the exception in the same way, and others gave less extended privileges. English ships were subject to the tax at first, but the merchants complained so much that the colonists were commanded to make no distinction between British ships and their own.‡ Most of the colonies obeyed, but not willingly. They felt that the British merchants should pay a

* *Statutes of South Carolina*, ii. 20.

† *Ibid.*, iii. 590.

‡ *Massachusetts Acts and Resolves*, ii. 158.

part of the expense incurred in defending and lighting the harbors, especially since they had a monopoly of the colonial trade. As it was, almost all ships which had a legal right to trade with the northern colonies were freed from the tonnage duties; and, if the navigation acts had been enforced, little revenue could have been received from this source. For Massachusetts, we have the figures to show how insignificant the tonnage tax became. From 1690 to 1719 the amount collected was quite regular, ranging from £200 to £300 per year, sometimes higher, sometimes lower, but with no great variations.* When the tax on British shipping and the duties on British goods had to be abandoned by command of the king in council, the revenue at once decreased more than one-half. The tonnage receipts even showed a decline, from £622 in 1718 to £69 in 1719. So great a difference throws discredit upon the returns; but, comparing 1717 with 1722, we find a decline from £405 to £195, and till 1730 the tonnage duties only twice yielded more than £100 per year, nor were they ever of much importance after 1719. During the period of great depreciation and fluctuation of paper currency the duties were collected in powder. The greatest amount reported was 6,409 pounds of powder for 1737, while in many years less than 1,000 pounds were collected. Much irregularity is noticeable, and all evidence indicates that the tonnage tax had become an insignificant source of revenue in Massachusetts.

The returns for New York are less complete. Most of the annual reports do not distinguish between the duties from tonnage and those from other sources. There are a few figures, however, which throw some light on the subject. One report states that from 1714 to 1727 the tax on shipping amounted to £3,586, and from 1734 to 1753 it yielded £14,478,†—sums much greater than were collected in Massachusetts. During the French and Indian war the revenue from tonnage duties increased, reaching the highest point—£2,040—in 1760.‡ This was either the year of greatest imports or the customs were collected more thoroughly; for they yielded £10,346,‡—a sum not reached again, although during

* *Massachusetts Archives*, 122 to 125.

† *New York Journal*, ii. 424.

‡ *Ibid.*, ii. 643.

the whole course of the war the sums collected were greater than they had been before, and with its close a rapid decline occurred until less than £4,000 was collected in 1771 or 1772. The two separate returns of tonnage duties which I have found for years after 1765 show a much greater decline than do the customs. The sum given for 1768 was £150, and for 1769 only £138.* If these returns are correct, they indicate that the New York tax on shipping became as unimportant before the Revolution as that of Massachusetts. But such meagre returns are hardly sufficient to afford a basis for any inference.

For the other colonies, few and scattered returns of the revenue collected are available. The estimates of the number and tonnage of ships engaged in colonial commerce are by no means ample enough to enable us to calculate the probable receipts. The evidence obtainable indicates that the tonnage duties were more important in the earlier than in the later part of the colonial period, at least in the northern colonies. It also seems probable that the revenue collected from shipping in the southern colonies was greater than in the northern, because the former had few ships and the exemptions were not carried so far as in those colonies which had important shipping interests. The fact that the duties granted in Maryland and Virginia were permanent, and with the duties on tobacco furnished the greater part of the revenue, also lends color to this view.

II. In the export duty on tobacco, however, these two colonies had a much more important source of revenue than in the shipping tax. It was natural, of course, to raise a revenue from their most important commodity; and Maryland turned to this source almost from the beginning of her existence. A five per cent. duty† was proposed in 1638, but I find no record of its passage till 1639.‡ Ten years later the proprietor was granted a tax of 10s. per hundred weight on all tobacco shipped in Dutch vessels for any place except British ports.§

* *New York Journal*, iii. 21 and 28.

† Bacon's *Laws of Maryland*, 1638, Act XXXVI.

‡ *Maryland Archives*, i. 80.

§ Bacon's *Laws of Maryland*, 1649, Act IX.; 1676, Act II.

This was to continue for seven years, but it must have been re-enacted; for I find an account of its repeal in 1676.* A little before this time a duty of 2s. per hogshead had been laid on all tobacco exported,—1s. for the proprietor's private use, and 1s. for the support of the colony.† The proprietor's shilling was made perpetual in 1704, and, according to Bancroft, yielded \$7,000 in 1754.‡ Almost every new governor was granted a duty, usually about 1s. per hogshead, as his salary; and numerous additional duties were laid for supporting free schools, for building a state-house, for purchasing arms or ammunition, or for other colonial needs. There was a limit, however, beyond which the tobacco duties in Maryland could not well rise. The Virginia duty was never much above 2s; and, if more than this was required in Maryland, new settlers would be likely to go to Virginia. The alarm of the Assembly at too high a rate is shown by an act of 1717, which stated that the sum of the several duties was 3s. 9d., that this was too high, and therefore repealed one duty of 3d.§

The duties in Virginia were not begun so early as in Maryland, nor did they rise so high. Indeed, after the tax had once been laid, there was some hesitation about retaining it and some vacillation about the course to be pursued. The tobacco duty was made necessary by the want of revenue and the difficulty of collecting a poll-tax, as is shown by the act imposing it, which states that "the present method of raising a revenue by poll is unequal and oppressive, and it will be easier and better to collect a duty: therefore, 2s. per hogshead shall be paid on all tobacco exported."|| In the same year, 1658, a tax of 10s. was laid on all tobacco "raised by selling Dutch goods."¶ The ship-masters refused to pay the taxes; and seven of them were summoned before the Assembly for trial,** among them one Dutchman. The result of the trial is

* Bacon's *Laws of Maryland*, 1649, Act IX.; 1676, Act II.

† *Ibid.*, 1671, Act IX.

‡ Bancroft, ii. 396 (edition of 1882).

§ *Complete Collection of the Laws of Maryland*, 1727, pp. 188.

|| Hening, i. 491.

¶ *Ibid.*, 469.

**Although the act said Dutch goods, other foreigners had to pay the duty, as is shown by the explanation of the act, which is in the following words: "And this act is further explained, that for the custom of ten shillings per hogshead be as well understood of all foreigners as of the Dutch nation."

not stated, but the duty was repealed in 1659. The next year, however, the legislators had again concluded that tobacco must yield a revenue; for they say "that all nations find it prudent to collect revenue by duties rather than by taxes, that other nations gain by an imposition on Virginia's commodity (tobacco), that hitherto Virginia has gained nothing from this source, and a duty of 10s. per hogshead shall be imposed on all tobacco exported which is not taken directly to England."* *Just how long the 10s. duty was continued is not shown by the statutes.* If the navigation laws had been obeyed, it could not have yielded much revenue; but Virginia disregarded the trade restrictions, and for the 10s. revenue encouraged the Dutch commerce, as is shown by a law of 1660, which states that "the restriction of trade hath been disadvantageous and lowered the value of our only commodity,—tobacco." Therefore, "the Dutch, or any other European nation, shall trade with us freely, and have the same rights and privileges as English have, if they give bonds and pay the 10s. duty on tobacco; but, if they import negroes, the duty on tobacco obtained for negroes shall be only 2s. per hogshead."† Not only the Dutch, but all foreigners, even the other colonists, were compelled to pay the 10s. duty; and in 1665 complaint was made that it had driven the New England trade to Maryland. To recall the New England traders, they were allowed to carry out tobacco at the lower rate of 2s.§ This is the last mention of the 10s. duty in the Virginia laws. With the decline of Dutch trade, it probably became too unimportant to merit a repeal, and so became obsolete.

The 2s. duty which was repealed in 1659 was reimposed in 1662,§ and until Virginia ceased to be a colony was one of her most important sources of revenue, being maintained at the same rate most of the time, though some additions were made for temporary purposes. A few scattered estimates of the sums yielded by the export tax on tobacco are to be found, enough to show that they were important and increasing in amount. In Maryland the 2s. tax for 1690 is reported to have yielded £2,221.||

* Hening, i. 535.

† Hening's *Statutes of Virginia*, ii. 450; also see a note on page 513.

‡ *Ibid.*, ii. 218.

§ *Ibid.*, ii. 130.

|| *Maryland Archives*, viii. 205.

Governor Berkley in 1671 reported the Virginia tobacco tax at £1,500.* In 1731 Dr. Oldmixon puts it at £3,200.† By 1750 it had reached about £5,000.‡ It probably did not rise much above this amount; for the highest estimate of the tobacco exported from both provinces before the Revolution is 100,000 hogsheads, which would yield the colonies a revenue of £10,000. Virginia probably got more than half of this, though several estimates place Maryland's production of tobacco almost as high as Virginia's.

Important as tobacco was to the colonists as a source of revenue, the amounts collected from it by them were nothing compared with what England drew from the same source. The duties collected from it there were £200,000 or £300,000 per year, and were much complained of by the planters. Dr. Oldmixon, in his *History of the British Empire in America*, says of the English tax on tobacco: § "In 1685 a severe duty was laid on tobacco, which caused many thousand hogsheads to be sold for 12*d.* each rather than pay the customs and charges. This imposition is the original cause of all the straits and hindrances in trade and circumstances which the Virginians groaned under above fifty years. 'Tis amazing to consider that a commodity worth where it grows one-half penny a pound should have subsisted so long — above half a century — under the weight of an imposition more than ten times the value of the prime cost. This duty has raised above £20,000,000 since it was first imposed."

III. The tax on slaves imported was a considerable source of revenue to Virginia and Maryland, and still more to South Carolina; while in Massachusetts, New York, and Pennsylvania it was of less importance, both because they imported fewer slaves and because the duties were not very high. In fact, it seems probable that in Massachusetts, at least, the tax was laid to discourage importation rather than to raise revenue; for it was never incorporated in the general tariffs which were imposed from year to year, but was enacted for periods of five or ten years,—this never being done by Massachusetts with her revenue measures, after 1700. The rate was fixed at

* Chalmers's *Annals*, i. 328.

† *British Empire in America*, i. 438.

‡ *Dinwiddie Papers*, i. 386.

§ Oldmixon, i. 349.

£4 by the first act, passed in 1705, and was not changed subsequently.* The duty is last mentioned in 1738,† when it was continued for ten years. At the expiration of this period the importation may have been so small that it was thought useless to re-enact the duty.

In New York and Pennsylvania more slaves were imported, and the earlier duties were for revenue in both colonies. In the former, the tax of five ounces of silver per negro, first imposed in 1709, continued without change until the Revolution.§ In the latter, changes and new duties were numerous during the first half of the eighteenth century; but, as only the titles of the earlier acts are given in the printed statutes, it is impossible to determine what the rates were prior to 1761. In that year they were evidently much increased; for several merchants petitioned against the duty of £10 taking effect at once, because they had ordered many slaves from the West Indies before it was passed. The petitioners further state that laborers are scarce and commodities high, and that their motive for engaging in the slave-trade was to encourage the industry and trade of the province.§ Their prayers seem to have been unheeded, and the law was not suspended, whether from the Quaker dislike of slavery or from the desire for revenue we cannot now determine.

Either the high duties or the changed conditions of the colony, or the growing antagonism to slavery, led to a steady decline in the number of slaves imported, as is shown by the amount of duty collected, which was £1,855 in 1762, £1,500 in 1763, and gradually decreased until it was only £100 ten years later.||

Maryland and Virginia both imposed duties on slaves a little before 1700. Beginning with a ten shilling tax in Maryland, the duties increased gradually as new requirements called for additional revenue, and had risen to £4 or £5 by 1771. In that year an addition of £5 was made, possibly to discourage importation; for negroes were no longer scarce.¶

* *Massachusetts Acts and Resolves*, i. 578.

† *Ibid.*, ii. 981.

‡ *Acts of the Assembly of New York*, 1718, 97.

§ *Pennsylvania Colonial Records*, viii. 576.

|| *Pennsylvania Votes*, vi. 411.

¶ Bacon's *Laws of Maryland*, 1695, xxiv. *Laws of Maryland*, made since 1763, 1771, Act VII.

Virginia laid a duty of £1 each on all negroes imported during the first quarter of the eighteenth century, but this was abolished by the king in 1723. The next tax was an ad valorem duty of 5 per cent., to be paid by the purchaser. This rate continued from 1732 to 1740, when it was doubled; and during the next thirty-eight years the amounts collected ranged from 10 per cent. to 30 per cent., being most of the time at 20 per cent. After 1759 slaves imported from other colonies paid additional duties, 20 per cent. till 1772, then £5 per head. In 1778 Virginia prohibited the importation of slaves under a penalty of £1,000 on the importer, £500 on the purchaser, and the slave to go free.*

It is in South Carolina, however, that we find the greatest amount of revenue collected from slaves imported, both because greater numbers were brought in and because the duties were higher. The rates were fixed at 10s. in 1703, were soon raised to £10, and continued at that point save for a slight interruption about 1740, when the alarm caused by a negro insurrection and the fear that negroes were becoming too numerous caused a prohibitory duty of £50 to be imposed for a few years; but the rate was soon lowered to the old point.† The slave duties of South Carolina yielded two-thirds of the customs revenue collected in 1731, the figures being £8,500 from negroes and £4,000 from all other sources.‡ For other years we have no returns, nor are the statistics showing the number of slaves imported, or the duties collected in any of the colonies except Pennsylvania, available.

Besides the revenue tariffs above described, most of the colonies imposed discriminating duties, generally double the regular rates, on negroes from other colonies. South Carolina required much more than double duties on negroes not coming direct from Africa. Two reasons were assigned for this. One was that slaves from other colonies were likely to be vicious and insubordinate fellows who had been transported for some crime, and would not only prove unruly themselves, but also corrupt the other slaves near them.§ The other reason is

* Hening, iii. 193, 229; iv. 317; v. 92; vii. 338; viii. 530; ix. 471.

† *South Carolina Statutes*, ii. 200; iii. 56, 562.

‡ *Ibid.*, iii. 340.

§ *Ibid.*, iii. 161.

clearly expressed by the preamble of a South Carolina act passed in 1722, which says,* "Whereas the importation of Spanish Indians, mustees, negroes, and mulattoes, may be of dangerous consequence by enticing the slaves belonging to this province to desert with them to the Spanish settlements near us, . . . all Spanish slaves imported shall pay a duty of £150."

IV. There yet remains for discussion the impost on wines, liquors, and other articles which were subject to indirect taxation. Each colony managed its tariff schedule in its own way, so that it is possible to make but few statements here which apply to all; and, therefore, I shall give a brief account of the legislation in the more important colonies.

In South Carolina the number of articles subject to duty was greatest, and an important part of the revenue was raised by imposts. Before 1700 a few acts were passed laying duties both on imports and exports; but with 1703 begins the tariff system, which was continued as long as South Carolina remained a colony. The act of that year is entitled "An act for the levying an imposition on furs, skins, liquors, and other goods and merchandise imported into and exported out of this province, for the raising of a fund of money towards defraying the public charges and expenses of this province, and paying the debts due for the expedition against St. Augustine."†

The first act was to be in force two years, but its subsequent continuations and re-enactments were generally for periods of three, five, or ten years.‡ The rates were raised and other articles were added to the list until, in 1721, more than fifty articles were taxed, and wine paid from £6 to £15 per pipe. After 1722 a few of the duties were reduced, and some articles were omitted from the list, so that in 1740 only about thirty

* *Statutes of South Carolina*, iii. 196.

† About thirty articles are taxed, of which the most important are wine at £3 to £5 per pipe, flour and biscuits at 2s. 6d. per hundred weight; sugar, 1s.; cocoa, 2s. 6d.; tobacco, 12s. 6d. per hundred weight; fish, 3 to 6s. per barrel; dye-woods, 5 to 10s. per ton. All other imports, 3 per cent. All furs exported were also subject to duty. *South Carolina Statutes*, ii. 200.

‡ The more important acts are found in *Statutes of South Carolina*, ii. 200 (1703), 649 (1716); iii. 27 (1717), 56 (1719), 193 (1722), 556 (1740), 739 (1751); iv. 150 (1761), 265 (1767).

imported commodities were subject to customs taxation. The *ad valorem* duties, which were first fixed at 3 per cent., were raised to 5 per cent. in 1716, then lowered to 1 per cent. in 1722, and were abolished in 1740. The wine duties, which, with the exception of those on slaves were the most important, averaged on Madeira £6 and on Fial [Fayal] £10 per pipe, and were not often changed. Besides the regular tariff, which was maintained without much change, South Carolina imposed several temporary duties, usually on sugar, molasses, or rum, to raise revenue for some special object.

Massachusetts laid duties on fewer articles and laid them at lower rates than South Carolina, but she was much more systematic in her tariff legislation. Beginning with 1645,* she maintained an impost on wines and liquors at rates ranging from £1 to £2 per pipe. For several years this duty was farmed, first at £120, afterwards at £165 per year.† Before 1692, however, a more modern plan was adopted. Other articles had been added to the tariff schedule, and a public collector was appointed. From this time on Massachusetts raised all her revenue by annual grants. She had either learned by experience the power this would give her over the royal officers or she copied after the English Parliament, which, with the accession of William and Mary, ceased to give the king subsidies for life.

Although Massachusetts re-enacted her tariff law every year from 1692 to 1774, yet she adhered closely to a low revenue rate. It is true that some advances in the nominal rates were made as the currency depreciated; but, when coin payment was resumed in 1737, the duties were at once lowered to one-third of the former scale. Tobacco duties may have been levied to restrict importation, for they were steadily increased and at times were very high. The wine duties were fixed in 1692 at rates ranging from £1 to £2 10s. per pipe, according to quality or place of growth. £3 per pipe was the highest rate ever imposed, and between 1765 and 1774 only 5s. was paid. Until 1735 the average rate was rather more than £1, and from that date till 1774 it averaged less than 10s. per pipe. The duties on a hogshead of rum were about the same

* *Massachusetts Records*, ii. 130.

† *Ibid.*, 260, 289.

as those on a pipe of wine, which means that rum paid twice as much per gallon as did wine. Sugar was taxed 1*s.* per hogshead in 1692. This was raised to 2*s.* in 1695, at which point it remained until 1737, when coin payment was required, and the duty was again fixed at 1*s.* From this rate there was a steady decline until only 4*d.* per hogshead was collected in 1751, and at that rate the duty continued. Molasses paid about half as much per hogshead as sugar, and changes were made in the rates at the same periods. Logwood and other dyewoods paid 3*s.* per ton till 1737, then the duty was gradually reduced and finally abolished. Tea was first taxed in 1756 at 1*s.* per pound; but this was reduced to 4*d.* in 1762, and then dropped.

Besides the specific duties on wine, rum, tobacco, sugar, molasses, and dyewoods, *ad valorem* duties were imposed on all other imports at the rate of 1*d.* on twenty shillings' worth in 1692, increased to 2*d.* in 1731, to 4*d.* in 1739, and continued at that till 1774. English goods, however, were not subject to the duties after 1719. They had at first been taxed $\frac{1}{2}$ per cent., afterwards raised to 1 per cent.; but the British merchants would not submit to even this low tax, and the colonists were compelled to remove all taxes on goods from England or on English ships.*

In New York the tariff legislation was quite similar to that in Massachusetts. There had, indeed, been heavy duties during the Dutch rule, but these were not imposed by colonists on themselves, and will not be treated here; nor will the rather high, arbitrary duties, which were imposed by Andros at the command of the Duke of York, receive attention. These, however, probably had an influence in accustoming the colonists to tariff taxes, so that, when they were allowed an assembly and permitted to make their own laws for raising revenue, they collected most of it by duties on imports and exports. The first act of which we have the text was passed in 1691, and laid moderate specific duties on a great number of arti-

*The tariff law of Massachusetts was either re-enacted or continued every year. The administrative provisions were much the same through the whole period, and by turning to any one act the whole system may be learned. I have, therefore, not referred by page to the Massachusetts acts.

cles.* Several other duties were imposed during the next twenty years; but the act of 1715,† which was continued without great change till 1775, taxed only a few imports. To avoid the fluctuations which the paper currency was subject to, the duties were made payable in silver at the following rates: wine, $7\frac{1}{2}$ ounce per pipe; rum, 15 grains per gallon; cocoa, 1 ounce per hundred weight; all European goods imported from Boston, 12 ounces per £100 worth; from any other colonies, 18 ounces per £100 worth. I have found no reason for the favor shown Boston. Some years earlier the New York merchants had petitioned for tariffs discriminating against Boston.‡ Later acts make ad valorem rates 5 per cent., and show Boston no favor. This is the only instance I have found of an ad valorem duty of much importance allowed after 1720. After 1734 New York took the same precaution as Massachusetts to hold her rulers in check; and the duties, which were strictly for revenue, were granted for only one year at a time.§

The duties of the other colonies were hardly important enough to justify us in calling them tariff systems. It is true that from 1684 Virginia had a tax on liquors imported, most of the time at 4*d.* per gallon; and it was constantly maintained as a general revenue measure "to lessen other taxes," as one or two of the laws imposing it stated.|| For more than fifty years the College of William and Mary was granted a tax of 1*d.* per gallon on all liquors imported, but these and the slave and tonnage duties were all that Virginia levied on imports.¶

Connecticut, Pennsylvania, Maryland, and North Carolina all taxed a few articles besides liquors; but the acts, in Maryland especially, were for temporary purposes or special objects rather than to raise a general revenue. Connecticut laws are not complete enough to show just what was done, but at times considerable tariffs were imposed. Pennsylvania, too, had

* *Journals of New York Assembly*, i. 8.

† *Acts of Assembly of New York*, 1691-1718, 204.

‡ *Journals*, i. 17.

§ See *Laws of New York*, 1691-1774, for the annual grants.

|| Hening, iii. 23.

¶ *Ibid.*, iv. 148; v. 310; vii. 133.

rather high duties on liquors and lumber as early as 1688;* and liquor duties were imposed from time to time till 1722, after which trade seems to have been free till 1756, for in that year the duties proposed met with strong opposition. The minutes of the council say "that, at the second reading of the proposed bill, all were of the opinion that trade should be the last thing taxed; that exemption from duties and freedom of the port had more than anything else contributed to the increase of trade, and they were afraid this measure would divert it."† Some duties were finally imposed, but at low rates, and do not seem to have yielded much revenue.

So far as I have been able to learn, New Hampshire, Rhode Island, New Jersey, Delaware, and Georgia were without duties, except those on shipping, which have been already described. Were the duties collected? And were the sums realized from them large enough to pay a really important part of the colonial expenses? These are questions which, for most of the colonies, can have no satisfactory answer. The fact that the colonists were constantly evading the navigation acts, and made no pretence of paying the duties imposed by England, must have had a demoralizing effect, and taught them to evade duties imposed by their own law-makers. The increasing care which was taken to prevent fraud is strong evidence that the laws were not cheerfully obeyed. The small amount of revenue collected from a commerce of important extent is another evidence that the laws were not well enforced. For the years immediately preceding the Revolution the annual imports of New York were not less than £500,000.‡ The rate of duty was 5 per cent., but in no year were the duties much above £5,000, being only one-fifth of what they should have been.§ The revenue collected in Massachusetts was even less, averaging about £2,000 || a year ;

* *Votes of Pennsylvania*, i. 47.

† *Colonial Records of Pennsylvania*, viii. 30.

‡ *American Traveller*, 74, 75.

§ Governor Tryon's report, *Documentary History of New York*, 1579; also treasurer's annual reports in *New York Journal*, vol. iii.

|| *Massachusetts Archives*, Treasury, 122-125.

but, as there was no ad valorem duty on English goods, we cannot make an accurate estimate of the amount of revenue to expect from imports. One piece of direct evidence of fraud is, however, afforded by the following entry in the treasurer's book for 1769:* "Received £133 6s. 8d. from an unknown hand, being so much he apprehended he ought to pay to the province for duties on rum and molasses he had run." How much had been "run" by persons with less tender consciences we have no means of knowing.

South Carolina collected much larger sums than her Northern sisters, as is shown by a few appropriation acts, and by a statement showing that £97,000 were realized from duties in 1772.† That, however, was above the average, because so many slaves were imported in that year. £97,000 is more than the annual direct tax of South Carolina yielded, but in ordinary years the direct tax was probably larger than the customs revenue. For Virginia and Maryland I think the indirect taxes were much more important than the direct, while for the Northern colonies direct taxes paid nearly all the expenses. In New York the duties were more important than in any other Northern colony, but averaged only about one-sixth of the total revenue. In the last decade of the seventeenth century they had yielded a much larger proportion. Indeed, there are a few statements to the effect that all, or nearly all, the colonial revenue was collected from commerce.‡ During the same period the duties of Massachusetts were also of much more importance than in later years. From 1690 to 1700, £3,000 to £5,000 § per annum was collected,—amounts which were never much exceeded; but the increase in trade, and the depreciated currency in which later duties were paid, must both be considered in determining the relative importance of the early duties. After 1719 the customs revenue of Massachusetts was not often above £2,000 sterling, and was frequently less,—amounts which are rather insignificant in

* *Massachusetts Archives*, Treasury, 125, p. 361.

† Anderson, *Historical Account of British Colonies*, London, 1775, p. 190.

‡ *Journals of New York Assembly*, i. 16.

§ *Massachusetts Archives*, 122.

comparison with the direct taxes, which ranged from £10,000 to £100,000 a year.

On the whole, it seems probable that the duties imposed in America before the Revolution were no more than imitations of the ordinary means which European countries used to obtain revenue; and I have not yet found any direct evidence that they influenced our later tariff legislation.

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